

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted *via* the USPTO EFS Filing System on the date shown below to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 1, 2006/Jessica Sexton/
Jessica Sexton**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Applicant(s): Lingan Satkunanathan, *et al.*

Serial No: 10/723,324

Filing Date: November 26, 2003

Examiner: Evens J. Augustin

Art Unit: 3621

Title: REAL-TIME LICENSE ENFORCEMENT SYSTEM AND METHOD

**Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

REPLY BRIEF

Dear Sir:

Applicants' representative submits this Reply Brief in response to the Examiner's Answer dated June 1, 2006.

REMARKS

Claims 1-4, 6-18, 20-33 and 35-43 are currently pending and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein. In particular, the following comments address deficiencies contended in the Examiner's Answer to applicants' Appeal Brief.

I. Regarding the Rejection of Claims 1-4, 6-18, 20-33 and 35-43 Under 35 U.S.C. §102(e)

The Examiner incorrectly maintains the rejection of claims 1-4, 6-18, 20-33 and 35-43 under 35 U.S.C. §102(e) as being anticipated by Christiano (U.S. 5,671,412). Appellants' representative respectfully requests that this rejection be reversed for at least the following reasons. Christiano fails to disclose each and every aspect of the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

The claimed invention generally relates to property rights enforcement and more specifically to a system and method for real-time software license monitoring and enforcement. In particular, claims 1, 11, 20, 29, and 40 recite similar limitations, namely *a validation component that periodically checks stored license data to ensure that the data has not been corrupted*. Christiano fails to teach or suggest such claimed features.

Christiano discloses a license management system for software applications that stores and manages license data using a client-server model. On pages 6-7 of the Examiner's Answer, it is incorrectly asserted that the claimed invention does not specifically define the interval(s) at which the license data is checked. However, the instant specification clearly sets forth one example of an interval to which the term *periodically* refers. Checking license data daily after

restoring licenses from backup is clearly periodic checking that occurs at a regular, defined interval (*See e.g.* page 9, lines 1-2). Accordingly, the context in which the term is meant to be interpreted is in fact well-defined in the specification.

Furthermore, on pages 7-8 of the Examiner's Answer it is purported that Christiano discloses checking for data corruption. Appellant's representative avers to the contrary. More particularly, the Examiner incorrectly contends that data corruption occurs if a user attempts to utilize more licenses than the maximum number allowed; however, the user's violation of the terms of the license agreement does not damage or corrupt the actual license data. Moreover, the system of Christiano, as presented in the section of the reference cited by the Examiner, does not check for the corruption of license data; rather, it is solely a license verification procedure that involves comparing the number of distributed licenses with a maximum number of licenses allowed in order to ascertain whether an additional license should be distributed to a user (*See* col. 7, lines 9-29). The system does not, however, determine whether the license data stored in the system has been modified in any way. Consequently, Christiano is limited to verifying that the number of licenses currently in-use does not exceed the maximum number of licenses available but does not contemplate checking the license data for corruption, as afforded by the claimed invention. Therefore, Christiano does not teach or suggest all aspects of independent claim 1 (and similarly recited in independent claims 11, 20, 29, and 40).

In view of at least the foregoing, it is readily apparent that Christiano does not disclose each and every limitation recited in the subject claims. Accordingly, reversal of this rejection with respect to independent claims 1, 11, 20, 29, and 40 (and the claims that depend there from) is respectfully requested.

II. Conclusion

The subject application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP494US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731